FROM DOCUMENTATION TO DETERRENCE:
The Operation of Human Rights Monitoring Missions

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Since the end of WWII, the international system has made respect for human rights central to the consolidation of peace. As a major objective of the United Nations, human rights remains a central concern of the international organization, though its ability to monitor the protection of rights in member states has often been limited to a legalistic review of existing laws and statutes rather than to genuine enforcement of rights and sanctioning of violators. This situation is changing, as most dramatically illustrated by the creation of two International War Crime Tribunals under UN auspices, one for the former Yugoslavia and the other for Rwanda.

If the 1970s marked a period of more intense reporting and recording of human rights violations by nongovernmental organizations, the 1980s was a period when the nongovernmental community used this documentation skill to support a broader international agenda aimed at seeking redress for the victims of such violations. The post-cold war period presents a further evolution of the human rights agenda: the creation of field monitoring missions to serve as deterrents against further abuses. These internationally sanctioned missions carry the broad authority of the United Nations and international law.

The defense of human rights is an integral element of UN peace operations, as underscored in a 1992 report of Secretary General.[1] Monitoring also has become an essential element for the resolution of long-standing internal conflicts, with the potential placement of human rights monitors serving as a lever to move parties toward a quicker settlement.[2] The use of monitoring missions has also created the first line of support in securing international investigations of massive abuses against humanity. Recent experience in Rwanda, however, illustrates how difficult it is to establish a monitoring mission in the wake of premeditated killings where the conflict is not yet over.

Monitoring Missions

Since the first monitoring mission was established in 1990, during the negotiations to end the civil war in El Salvador, many other human rights monitoring missions have taken place under UN auspices in Asia, Africa, Europe and Latin America. These human rights missions in Cambodia, Haiti, Rwanda, South Africa, and the former Yugoslavia have focussed installing an on-the-ground presence aimed at deterring potential violations of human rights and also investigating or "verifying" complaints of abuse.[3]

Human rights monitoring missions are defined by the common characteristics of these recent field missions. These include: 1) that the mission be based in the country for a period of several months, as opposed to monitors visiting it for short periods; 2) that its central function include investigating, documenting and reporting human rights violations, and situations likely to give rise to such violations; and 3) that it is staffed by at least a dozen or more monitors who are assigned to the mission.

Using monitoring missions to fulfill the objective of preventing human rights abuses is limited by the country conditions under which such missions are deployed. The notion that a mission will outright prevent violations assumes that the presence of monitors is a substitute for political will. This is not the case. Monitoring missions do not end impunity. They are no panacea for other shortcomings of the a country's legal system or the structural weakness that exist in the administration of justice. Similarly, the timing for deployment of such missions is critical to their objective and impact. Recent experience in Rwanda underscores the problems of rapid response to human rights crises because the UN system was unable to recruit or train monitors quickly.

The track record of recent monitoring experiences has defined the potential positive impact that such missions can accomplish. For example, where a government has already demonstrated some political will to terminate a conflict, such as the case of El Salvador, monitors can contribute to improving the human rights climate. Similarly, the mere physical presence of foreign monitors can have a deterrent effect on violence. This was apparent in South Africa where monitors attended public rallies, or in Haiti where monitors safeguarded demonstrators. Monitors can also help with the release of individuals wrongfully detained through visits to prisons or other such facilities. There is also no question that the presence of foreign monitors can have an important psychological effect by demonstrating the concern of the outside world on a specific crisis situation.

Operational Needs and Gaps

As field experiences are evaluated it is apparent that the mounting of each operation has demonstrated the wide gap in any central coordinating mechanism for such missions. In a world where monitoring missions are part of a rapid response to crisis prevention, or are part of the implementation of a peace accord, the ability to take advantage of this concept has been marred by the lack of a systematic method to recruit, train and deploy monitors in a timely fashion.

These operational shortcomings served as a catalyst for study which USAID's Office of Transition Initiatives commissioned in 1995 to explore ways in which human rights missions might be strengthened. The study, which was conducted by a consultant, Steve Golub, reviewed recent experiences and proposed specific options for expediting missions, coordinating them, and supporting what is an expanding civilian role in peacekeeping missions.[4]

The study identifies specific operational lessons. These include the need for a central coordinating body in the United Nations system to support such missions, the role of the UN Human Rights Center and the relatively new High Commissioner for Human Rights in this scheme, the capacity of the UN system to recruit and train monitors, how rapidly the system can respond to human rights emergencies, and the role of bi-lateral donors in supporting such missions. Similarly, there is still an uncharted role for the NGO community which requires greater definition and clarity as to its relationship to international field missions.

The OTI study suggests five broad options to support the international community's increasing reliance on monitoring as a more active intervention in managing complex emergencies. Three options relate to strengthening the United Nations system to support these deployments; two options would involve support for separate NGO contributions to perform the operational needs of monitoring missions.

UN-Based Options

1. Create a central coordinating unit within the United Nations for Human Rights field operations. Such a unit would coordinate missions with the relevant peacekeeping operations and other operations handled by the office of political affairs. The unit would help streamline the launching and maintaining of human rights missions at the UN.

2. Support the appointment of a Geneva-based field operations coordinator for UN Missions. Having a professional with broad human rights experience and field work would enhance the capacity of the Human Rights Center to move beyond its current research role to a more operational organization. A field operations coordinator could also establish the much-needed guidelines on how human rights missions relate to the High Commissioner's Office, and hopefully, would strengthen the relationship between the human rights efforts in Geneva and the peacekeeping operations in New York.

3. Create a contingency fund with other donors at the United Nations which would support the Secretary General's office to provide emergency field assessments for human rights monitoring missions, and establish the preparatory work necessary for the coordination of any longer term mission. At this time, no such fund exists and the deployment of assessment teams is done on a very ad hoc basis. This results in the information gathered from these missions outside the operational loop, should there be a decision to launch a mission.

NGO Options

1. Support an existing NGO or consortium of NGOs that could provide selected services to the UN and other regional organizations in support of human rights monitoring missions. An NGO could help to roster individuals interested in serving on such missions, pre-certifying them

for qualifications in the field, and helping with the rapid response by having training capacity for new monitors.

2. Create a stand-alone NGO which has the capacity to field a monitoring mission of up to 30 persons. This effort would serve in situations where the UN or sub-regional organization were unable to respond quickly to human rights emergencies. Such a stand-alone human rights NGO would work with a service NGO so that recruitment, rostering and certification could be done quickly. This last option would imply a commitment of funds by donors to ensure that a stand-by force could be deployed and an office staffed.

Monitors and the Donor Community

The development of human rights monitoring as an important policy tool in response to massive abuses of human rights also raises serious questions about how donors wish to support such activities. For example, would donors money be better spent in supporting independent police forces to provide long-term security, or are monitors and the creation of new police two faces of the same coin? Would investments in preventive diplomacy and conflict resolution be more enduring that an emergency monitoring mission?

Human rights monitoring missions require a large investment. Whether funded through the United Nations or through NGO/IO arrangements the costs of rostering, recruiting, training and deploying large numbers of monitors are high. Several countries have suggested bi-lateral support of rostering, recruitment and training. There is also potential for support of an independent NGO that could participate in any international monitoring effort. While the United States government has provided funding to monitors through the United Nations Center for Human Rights, the absence of any one site in the UN for contributions makes it difficult for donor states to be sure that funding is being directed to the specific activity. Moreover, the decentralization of monitoring programs in the UN has resulted in delays at critical times in a complex crises.

There is also the broader question of whether funding of emergency monitoring missions should continue once a peace accord is signed, or the conflict has ended. The high cost of field missions might result in little or no follow-on efforts at a time when a country is most fragile. Donors need to consider human rights monitoring missions within the context of complex crises and post-conflict rehabilitation and factor in the costs as part of a multifaceted approach to man-made emergencies.

Conclusions

Monitoring human rights is part of the growing field of preventive diplomacy. Deterring further abuse and providing a modicum of security is a first step in resolving local conflict and

reestablishing normal conditions. But monitoring is only one part of a framework which must be created to establish justice.

Monitors are no substitute for functioning courts and the ability to prosecute wrongdoers. Thus, the consideration of funding for monitoring missions by donors must be done in a strategic manner. The potential contribution of these missions should be considered but a first step toward providing war-torn societies with the will to end impunity and bring criminals to justice. While international law provides the first line of defense against those who would violate individual rights, it is ultimately the creation of respect for the law that will break the cycle of injustice.

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Endnotes

1. An Agenda for Peace, Preventive Diplomacy, Peacemaking and Peacekeeping. New York, 1992.

2. Though the initial use of human rights monitors in 1990 for El Salvador created the enabling environment for negotiating a final accord by early 1992, such missions did not yield the rapid conflict resolution in the cases of Haiti, or more recent in Guatemala. In the latter, the monitors have been very effective on the ground, but the peace talks continue to drag on.

3. Alice Henkin, editor. Honoring Human rights and Keeping the Peace: Lessons from El Salvador, Cambodia, and Haiti. (The Aspen Institute, Washington, D.C., 1995)

4. Strengthening Human Rights Monitoring Missions: An Options Paper for the United States Agency for International Development. (Washington, D.C., Office of Transition Initiatives, September, 1995).